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| Adopted | Rejected |
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## COMMITTEE REPORT

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| YES: | 13 |
| NO:  | 0  |

### MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred Senate Bill 362, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1       Page 1, line 5, after "may" insert "**discreetly**".
- 2       Page 1, line 6, delete "child" and insert "**child, if the child is less**
- 3       **than three (3) years of age,**".
- 4       Page 1, after line 6, begin a new paragraph and insert:
- 5       "SECTION 2. IC 35-45-4-1, AS AMENDED BY P.L.121-2000,
- 6       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 7       JULY 1, 2003]: Sec. 1. (a) **Except as provided in subsection (b),** a
- 8       person who knowingly or intentionally, in a public place:
- 9       (1) engages in sexual intercourse;
- 10       (2) engages in deviate sexual conduct;
- 11       (3) appears in a state of nudity; or
- 12       (4) fondles the person's genitals or the genitals of another person;
- 13       commits public indecency, a Class A misdemeanor.
- 14       (b) **It is a defense for a person accused of committing an act**
- 15       **under subsection (a)(3) that the accused person was breastfeeding**
- 16       **her child in a public place.**

1       (c) However, the offense under subsection (a) is a Class D felony if  
2 the person commits the offense:

- 3       (1) by appearing in the state of nudity with the intent to arouse the  
4 sexual desires of the person or another person in or on a public  
5 place where a child less than sixteen (16) years of age is present;  
6       (2) in a public park and has a prior unrelated conviction that was  
7 entered after June 30, 2000, for an offense under this section;  
8       (3) in or on school property and has a prior unrelated conviction  
9 that was entered after June 30, 2000, for an offense under this  
10 section; or  
11       (4) in department of natural resources owned or managed property  
12 and has a prior unrelated conviction that was entered after June  
13 30, 2000, for an offense under this section.

14       ~~(c)~~ (d) "Nudity" means the showing of the human male or female  
15 genitals, pubic area, or buttocks with less than a fully opaque covering,  
16 the showing of the female breast with less than a fully opaque covering  
17 of any part of the nipple, or the showing of covered male genitals in a  
18 discernibly turgid state.

19       ~~(d)~~ (e) A person who, in a place other than a public place, with the  
20 intent to be seen by persons other than invitees and occupants of that  
21 place:

- 22       (1) engages in sexual intercourse;  
23       (2) engages in deviate sexual conduct; or  
24       (3) fondles the person's genitals or the genitals of another person;  
25 where the person can be seen by persons other than invitees and  
26 occupants of that place commits indecent exposure, a Class C  
27 misdemeanor.

1       SECTION 3. [EFFECTIVE JULY 1, 2003] **IC 35-45-4-1, as**  
2       **amended by this act, applies to offenses committed after June 30,**  
3       **2003."**

(Reference is to SB 362 as printed February 14, 2003.)

**and when so amended that said bill do pass.**

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Representative Summers